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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,503	01/08/2001	Essam Sourour	4015-863	5587
24112	7590	08/23/2005		EXAMINER
COATS & BENNETT, PLLC				WONG, BLANCHE
P O BOX 5				
RALEIGH, NC 27602				
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/756,503	SOUROUR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Blanche Wong	2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 October 2004.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 19-23 is/are allowed.

6)  Claim(s) 1 and 10 is/are rejected.

7)  Claim(s) 2-9 and 11-18 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 January 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. The allowable subject matters of cl. 1 and 10 have been withdrawn. Examiner apologizes for the delay in prosecution of this application.

***Information Disclosure Statement***

2. The information disclosure statement filed August 2001 and October 2002 fail to comply with 37 CFR 1.98(a)(1). Examiner notes that reference DE 19843664 A was listed only in an International Search Report, but not listed in any Form PTO-1449.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wallentin et al. (U.S. Pat No. 6,347,091).**

With regard to cl. 1, Wallentin discloses a channel allocation (selects the optimal connection, col. 15, ln. 21) method for a CDMA communications network (CDMA, col. 15, ln. 23) comprising:

establishing at least two groups of spreading codes (it is inherent that there are more than one and at least two CDMA spreading codes, col. 15, ln. 23, because CDMA spreading codes can be Walsh codes, orthogonal or quasi-orthogonal, etc.);

determining the mobility (mobility management, col. 15, ln. 21) of a user of said CDMA communications network; and

assigning (selects the optimal connection, col. 15, ln. 21) said user a spreading code from one of said groups of spreading codes selected based on (radio channel resources are optimally utilized, col. 15, ln. 24) said user's mobility.

With regard to cl. 10, Wallentin discloses a base station in a CDMA communications network comprising: (in Fig. 2)

a base transceiver system 23 (BS base station) comprising at least one transceiver (arrow between 23 and 30) for communicating with mobile terminals 30 (mobile station); and

a base station controller 22 (BSC base station controller) to assign spreading codes (CDMA spreading codes, col. 15, ln. 23) to users of said CDMA communications network, wherein said base station controller is operative to determine the mobility (mobility management, col. 15, ln. 21) of users of said CDMA communications network, and to assign (selects the optimal connection, col. 15, ln. 21) a spreading code to at least one of said users based on (radio channel resources are optimally utilized, col. 15, ln. 24) said at least one user's mobility.

#### ***Allowable Subject Matter***

5. **Claims 19-23** are allowed.

6. **Claims 2-9 and 11-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

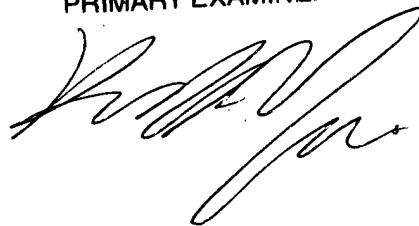
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*BW*

BW  
August 22, 2005

KWANG BIN YAO  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "KWANG BIN YAO".